

IN RE: PETITION FOR SPECIAL HEARING
SW/S Miller Road, 1900' NW of
the c/l of Belair Road
(Rear of 4011 Miller Road)
11th Election District
5th Councilmanic District

American Radio Systems
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 97-449-SPH
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Special Hearing for that property located to the rear of 4011 Miller Road, in the vicinity of Belair Road and the Big Gunpowder Falls in Perry Hall. The Petition was filed by the owner of the property, American Radio Systems, successor to Capitol Broadcasting Company, by T. Alan Hay, General Manager, through their attorney, Deborah C. Dopkin, Esquire. The Petitioner seeks approval of an amendment to the previously approved site plan in Case No. 76-35X to permit the replacement of an existing wireless transmitting tower of 460 feet with a tower of 500 feet, together with accessory facilities. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were T. Alan Hay, General Manager, Kenneth J. Cardosa, Peter A. Starke and Clarence M. Beverage, all representatives of American Radio Systems, legal owner of the property, Timothy Madden, Professional Engineer with Morris & Ritchie Associates, who prepared the site plan for this property, and Deborah C. Dopkin, Esquire, attorney for the Petitioner. There were no Protestants or other interested persons present.

ORDER RECEIVED FOR FILING

Date

By

Testimony and evidence offered revealed that the subject property consists of 10.562 acres, more or less, zoned D.R.2, and is vacant but for a 460-foot tall wireless transmitting tower and accessory ground-mounted equipment cabinet which have existed on the property since 1976. The tower itself is supported by several "guy" wires, and is located on the northwest side of Belair Road behind the property known as 4011 Miller Road. The Petitioner is desirous of replacing the existing tower with a 500-foot tall tower to support new technology. Testimony indicated that the existing tower is incapable of supporting the weight of the new devices associated with today's technology and thus, the proposed new tower is necessary. The existing tower will be dismantled upon completion of the new tower. Further testimony revealed that the Petitioner met with representatives from the surrounding community and advised them of their plans to which no objections were raised.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

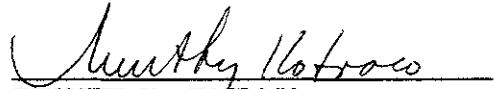
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of June, 1997 that the Petition for Special Hearing seeking approval of an amendment to the previously approved

ORDER RECEIVED FOR FILING
DATE 6/11/97
BY [Signature]

site plan in Case No. 76-35X to permit the replacement of an existing wireless transmitting tower of 460 feet with a tower of 500 feet, together with accessory facilities, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING

Date 6/11/97

By [Signature]



Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

June 11, 1997

Deborah C. Dopkin, Esquire
502 Washington Avenue, Suite 220
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
SW/S Miller Road, 1900' NW of the c/l of Belair Road
(Rear of 4011 Miller Road)
11th Election District - 5th Councilmanic District
American Radio Systems - Petitioner
Case No. 97-449-SPH

Dear Ms. Dopkin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. T. Alan Hay, General Manager
American Radio Systems, 600 Washington Avenue, Towson, Md. 21204

People's Counsel; Case Files

RE: PETITION FOR SPECIAL HEARING	*	BEFORE THE
4011 Miller Road, SW/S Miller Road,	*	ZONING COMMISSIONER
1900'+/- NW of c/l Belair Road	*	OF BALTIMORE COUNTY
11th Election District, 5th Councilmanic	*	CASE NO. 97-449-SPH
American Radio Systems, Successor to		
Capitol Broadcasting Company		
Petitioner		
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Carole S. Demilio

 CAROLE S. DEMILIO
 Deputy People's Counsel
 Room 47, Courthouse
 400 Washington Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of May, 1997, a copy of the foregoing Entry of Appearance was mailed to Deborah C. Dopkin, Esq., 502 Washington Avenue, Towson, MD 21204, attorney for Petitioner.

Peter Max Zimmerman

 PETER MAX ZIMMERMAN



Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at the rear of 4011 Miller Road

97-449-SPH

which is presently zoned D.R. 2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve an amendment to Case No. 76-35X to approve the replacement of a wireless transmitting tower of 460 feet with a wireless transmitting tower of 500 feet, together with accessory facilities.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Legal Owner(s): American Radio Systems Successor to Capitol Broadcasting Co.

(Type or Print Name)

(Type or Print Name)

Signature

Signature

Address

T. Alan Hay, General Manager

(Type or Print Name)

City State Zipcode

Signature

600 Washington Avenue (410)825-5400

Address Phone No.

Towson Maryland 21204

City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Deborah C. Dopkin, Esquire

Name 502 Washington Avenue, Suite 220

Towson, Maryland 21204 (410)339-7100

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for hearing

the following date _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: gws DATE 2004-15-97

449

ORDER RECEIVED FOR FILING

Date

By

Attorney for Petitioner:

Deborah C. Dopkin

(Type or Print Name)

Deborah C. Dopkin

Signature

502 WASHINGTON AVE 410-339-7100

Address Phone No.

Towson MD 21204

City State Zipcode



MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS



97-449-SPH

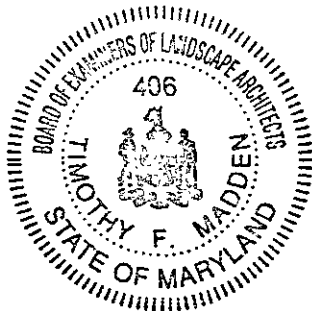
ZONING DESCRIPTION

BEGINNING at a point on the southwest side of Miller Road, at the distance of 1900 feet more or less measured from the centerline of Bel Air Road (U.S. Rte. 1). Thence the following courses and distances:

North 29° 22' 00" West 25 00 feet, North 60° 48' 15" East 1426.45 feet,
South 28° 59' 40" East 727.51 feet, South 59° 52' 00" West 600.00 feet,
North 29° 00' 15" West 712.33 feet, South 60° 48' 15" West 826.45 feet to
the place of beginning

CONTAINING 10.562 acres of land more or less.

BEING known as Parcel 544 of Tax map 63 having no known address on Miller Road and located in the Eleventh Election District of Baltimore County, Maryland.



Tim Madden

Timothy F. Madden, ASLA, AICP
Principal

449

☐ 139 N. MAIN STREET, SUITE 200
BEL AIR, MARYLAND 21014
(410) 879-1690 (410) 836-7550
FAX (410) 879-1820

☒ 110 WEST ROAD, SUITE 105
TOWSON, MARYLAND 21204
(410) 821-1690
FAX (410) 821-1748

☐ 9090 JUNCTION DRIVE, SUITE 9
ANNAPOLIS JUNCTION, MARYLAND 20701
(410) 792-9446 (301) 470-4470
FAX (410) 792-7395

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case #97-449-SP4
4011 Miller Road
SW/S Miller Road, 1800' NW of c/d Belair Road
11th Election District
5th Councilmanic
Legal Owner(s):
American Radio Systems,
Successor to Capitol
Broadcasting Company

Special Hearing: to approve an amendment to case no. 76-35-X to approve the re-
placement of a wireless trans-
mitting tower of 460 feet with
a wireless transmitting tower
of 600 feet, together with ac-
cessory facilities.

Hearing: Friday, May 23,
1997, at 2:00 p.m. in Room
108, County Office Bldg., 111
W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible; for
special accommodations
Please Call 887-3353.
(2) For information concern-
ing the file and/or Hearing,
Please Call 887-3391.

5/052 May 1 C139421

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

May 1, 1997

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on *May 1, 1997*.

THE JEFFERSONIAN,

A. H. Erickson

LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET & FINANCE
MISCELLANEOUS RECEIPT

No. 035965

DATE 4-15-97 ACCOUNT ROC-6150

AMOUNT \$ 250.00

RECEIVED FROM: AMERICAN Radio Systems 600 Washington Ave.
FOR: SP. HRC (030)

97-449-SPH

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

0369180138NI HRC
BA 0010136AM 14-15-97

\$250.00

CASHIER'S VALIDATION

Jcm

Request for Zoning: Variance, Special Exception, or Special Hearing

Date to be Posted: Anytime before but no later than _____

Format for Sign Printing, Black Letters on White Background:

ZONING NOTICE

Case No.: 97-449-SPH

A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD

PLACE: _____

DATE AND TIME: _____

REQUEST: For A SPECIAL HEARING To Amend
CASE No. 76-35X TO APPROVE THE REPLACEMENT of
A WIRELESS TRANSMITTING TOWER of 460 ft WITH
A WIRELESS TRANSMITTING TOWER of 500ft,
TOGETHER WITH ACCESSORY FACILITIES.

POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY.
TO CONFIRM HEARING CALL 887-3391.

DO NOT REMOVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW

HANDICAPPED ACCESSIBLE



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 449

Petitioner: American Radio Systems

Location: rear of 4011 Miller Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Deborah E. Dopkin, Esq

ADDRESS: 502 Washington Ave

Towson, MD 21204

PHONE NUMBER: 410-339-7100

AJ:ggs

(Revised 04/09/93)



TO: PUTUXENT PUBLISHING COMPANY
May 1, 1997 Issue - Jeffersonian

Please forward billing to:

Deborah C. Dopkins, Esq.
502 Washington Avenue
Towson, Maryland 21204
410-339-7100

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-449-SPH
4011 Miller Road
SW/S Miller Road, 1900'+/- NW of c/l Belair Road
11th Election District - 5th Councilmanic
Legal Owner(s): American Radio Systems, Successor to Capitol Broadcasting Company

Special Hearing to approve an amendment to case no. 76-35-X to approve the replacement of a wireless transmitting tower of 460 feet with a wireless transmitting tower of 500 feet, together with accessory facilities.

HEARING: FRIDAY, MAY 23, 1997 at 2:00 p.m. in Room 106, County Office Bldg., 111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

April 24, 1997

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 97-449-SPH

4011 Miller Road

SW/S Miller Road, 1900'+/- NW of c/l Belair Road

11th Election District - 5th Councilmanic

Legal Owner(s): American Radio Systems, Successor to Capitol Broadcasting Company

Special Hearing to approve an amendment to case no. 76-35-X to approve the replacement of a wireless transmitting tower of 460 feet with a wireless transmitting tower of 500 feet, together with accessory facilities.

HEARING: FRIDAY, MAY 23, 1997 at 2:00 p.m. in Room 106, County Office Bldg., 111 W. Chesapeake Avenue.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: American Radio Systems
Deborah C. Dopkin, Esq.

- NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY MAY 8, 1997.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 16, 1997

Deborah C. Dopkin, Esquire
502 Washington Avenue
Towson, MD 21204

RE: Item No.: 449
Case No.: 97-449-SPH
Petitioner: Capitol Broadcasting Co

Dear Ms. Dopkin:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 15, 1997.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (410-887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." The signature is written in a cursive style with a large, stylized "R".

W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)



B A L T I M O R E C O U N T Y, M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date: May 5, 1997

FROM: Robert W. Bowling, Chief
 Development Plans Review Division

SUBJECT: Zoning Advisory Committee Meeting
 for May 5, 1997
 Item No. 449

The Development Plans Review Division has reviewed the subject zoning item.

A final landscape plan must be approved before permits may be issued.

RWB:HJO:cab

cc: File

ZONE505.449



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary

Parker F. Williams
Administrator

Ms. Roslyn Eubanks
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County 4-25-97
Item No. 449 JCM

Dear Ms. Eubanks:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Larry Gredlein at 410-545-5606 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

10 Ronald Burns, Chief
Engineering Access Permits
Division

LG

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

DATE: May 2, 1997

FROM: Arnold F. "Pat" Keller, III, Director
Office of Planning

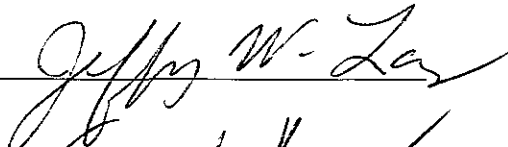
SUBJECT: Zoning Advisory Petitions

The Planning Office has no comments on the following petitions (s):

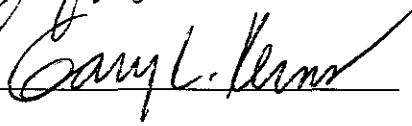
Item No. 449

If there should be any questions or if this office can provide additional information,
please contact Jeffrey Long in the Office of Planning at (401) 887-3495

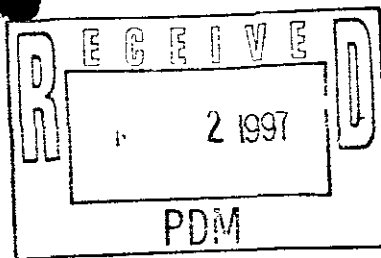
Prepared by:



Division Chief:



AFK/JL



April 22, 1997

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF April 22, 1997

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen,

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

440, 444, 445, 446, 447, 448, 449, 450, 451, 452, 457, 458,
459, 460, and 461

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F
cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: _____

FROM: R. Bruce Seeley.
Permits and Development Review
DEPRM

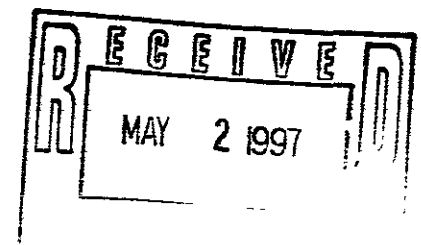
SUBJECT: Zoning Advisory Committee
Meeting Date: Apr 28, 97

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:	443	451	457	458
	445	452	459	
	448	454	460	
	449	455	461	
	450	456		

RBS:sp

BRUCE2/DEPRM/TXTSBP





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 22, 1997

Mr. Timothy F. Madden
Morris & Ritchie Associates, Inc.
110 West Road, Suite 105
Towson, MD 21204

RE: Zoning Verification
Miller Road Tower Site
Zoning Case 97-449-SPH
10th Election District

Dear Mr. Madden:

Your letter to Arnold Jablon, Director of Permits and Development Management, has been referred to me for reply. Please excuse the delay of my response. Your request is to shift the location of the new tower, new anchors, and equipment cabinets about 20 feet to the southeast. The shift does not move the proposed improvements outside of the existing fenced in enclosure. As such this request is approved as being within the spirit and intent of the granted zoning case 97-449-SPH.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "John J. Sullivan, Jr.", is written over a horizontal line.

John J. Sullivan, Jr.
Planner II
Zoning Review

JJS:rye

c: zoning case 97-449-SPH





Baltimore County
Zoning Commissioner
Office of Planning and Zoning

Suite 112, Courthouse
400 Washington Avenue
Towson, Maryland 21204
(410) 887-4386

June 17, 1997

Deborah C. Dopkin, Esquire
502 Washington Avenue, Suite 220
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
SW/S Miller Road, 1900' NW of the c/l of Belair Road
(Rear of 4011 Miller Road)
11th Election District - 5th Councilmanic District
American Radio Systems - Petitioner
Case No. 97-449-SPH

Dear Ms. Dopkin:

In response to your recent inquiry concerning the time frame for removal of the existing tower in the above-captioned matter, the following comments are offered.

As you indicated at the hearing, your client needs a minimum of six (6) months from the date the new tower is erected to dismantle the existing tower, and I agreed to give your client up to one (1) full year to accomplish this task. Therefore, while not specified in my Order of June 11, 1997, this letter shall serve to clarify that the old tower shall be removed within one (1) year from the date the new tower is erected.

Should you have any further questions in this regard, please feel free to call me.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy Kotroco".

TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. T. Alan Hay, General Manager
American Radio Systems, 600 Washington Avenue, Towson, Md. 21204

People's Counsel; Case Files



AT&T's proposal is generally in keeping with the "intent and spirit" of the Baltimore County Zoning Ordinance regulations.


Additionally, AT&T Wireless, by co-locating on the new tower, will reduce the need for new towers in residentially zoned areas.

Finally, the record indicates that the petitioner met with the neighbors from the surrounding community and advised them of his plans to construct a stronger, taller tower and no objections were raised. The purpose of the new tower is to support new technology antennas. The neighbors are expecting to see antennas on the new tower. The addition of AT&T's antennas on the new tower will not adversely affect the health, safety or general welfare of the surrounding neighborhood and thus a public hearing appears to be unnecessary.

Please advise if this request meets the "spirit and intent" of the County's development regulations and if AT&T Wireless may proceed with the County's Development Review Committee (DRC) process and building permit submittal, without having to conduct a public hearing.

Your prompt attention to this matter is greatly appreciated.

Sincerely,


Brian S. Parsons
Planner/Zoning Analyst

Enclosures

**Speed
Letter**

In the interest of speed and economy, we are replying to your letter with marginal notes. If you need more information, do not hesitate to call or write. Thank you for your interest.



Wireless
Star Communications
Star Communications


September 26, 1997

11th Election District

Dear Mr. Parsons:

Please be advised that the Department of Permits and Development Management, Zoning Review Bureau, will consider the proposed AT&T antennas on the existing tower as within the spirit and intent of the referenced special hearing. This interpretation is based upon the fact that the tower replacement, approved by a public hearing, was constructed to support the new antennas. This approval is site specific and all towers approved by a zoning hearing should be treated on a case-by-case basis.

Sincerely,


Mitchell J. Kellman
Planner II
Zoning Review

MJK:rye

c: zoning case 97-449-SPH

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: April 15, 1997

TO: Hearing Officer

FROM: Joseph C. Merrey
Planner I
Zoning Review, PDM

SUBJECT: Item #449
4011 Miller Road

97-449-SPH

The following issues were covered with the applicant prior to acceptance:

1. New tower will be higher than tower granted per 76-35-X. NEW SPECIAL EXCEPTION REQUIRED?
2. VARIANCE REQUIRED? Eg. 502.7.C.2
Setback = 2 x towers height from nearest property line.

Applicant desired to file as is.

JCM:scj



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204
pdmlandacq@co.ba.md.us

August 30, 2002

Mr. Richard Blood
Voice Stream
12050 Baltimore Avenue,
Beltsville, MD 20705

Dear Mr. Blood:

RE: 4011 Miller Road Telecommunications Facility
Spirit and Intent Case No. 97-449-SPH and 76-35X, 11th Election District

Your letter addressed to Mr. Jablon, dated August 29, 2002, has been referred to me for reply. After careful review of the materials included with the letter and the zoning records for this property the following has been determined.

Provided that the height of the existing tower is not increased and no lighting of any kind is placed on the tower, and further, all ground based equipment is located within the area of special exception as established in the above referenced zoning case, the proposal is considered to be within the "spirit and intent" of Zoning Case No. 97-449-SPH and 76-35X. You must sticky-back a copy of this letter on all plans submitted to Baltimore County for permit approval

Three copies of the site plan submitted as an exhibit in the aforementioned zoning case 97-449-SPH must be revised in red showing the proposed amendments in plan and elevation and submitted to this office not more than thirty days after your receipt of this letter.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,

A handwritten signature in black ink, appearing to read "Lloyd T. Moxley".

Lloyd T. Moxley
Planner II, Zoning Review

LTM

Come visit the County's Website at www.co.ba.md.us

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Tim Madden, Morris & Ritchie Assoc.

110 West Rd Towson, Md.

Leberan Dopkin

502 WASHINGTON AVE 21204

Peter A. Starke

95 Hellberg Ave Chalfont, PA 18914

Kenneth J. Cardosa

600 Washington Ave Towson MD 21204

Clarence M. Beverage

65 Country Club Lane Marlton, NJ 08053

T. Alan Hay

566 Serenity Ct, Apt A, Odenton, MD 21113



**ENVIRONMENTAL IMPACT STATEMENT
TO ACCOMPANY THE
PETITION FOR A
SPECIAL HEARING TO
AMEND A SPECIAL EXCEPTION
FOR THE
4011 MILLER ROAD
BALTIMORE COUNTY, MARYLAND**

**FOR FORTNER'S
LAND 3**

Prepared by:

**Morris and Ritchie Associates, Inc.
110 West Road, Suite 105
Towson, Maryland 21204**

**Mr. Timothy F. Madden, ASLA, AICP
Principal Planner**

March 28, 1997

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 - G. Visual Impact
- III. Discussion of Unavoidable Adverse Impacts
- IV. Alternatives to the Proposed Project
- V. Assessment of Long-term Effects and Commitment of Resources

I. SUMMARY OF PROJECT

A petition for a special hearing to amend a special exception of a 10.5 acre parcel of land, known as 4011 Miller RD. has been made. The proposed special exception will allow the erection of a new 400' Radio Tower to replace the existing 460' tower on site. This site is located in the Kingsville / Perry Hall Community. A description of the subject property is included in this Petition.

The development of this site will involve the razing of the existing tower when the new tower is completed. To meet current county guidelines the installation of an 8' chain-link fence, and an appropriate landscape screen will be constructed.

II. DISCUSSION OF PROBABLE IMPACTS

A. Site Clearing & Grading

All new construction will take place within the existing fenced or disturbed area. There will be no impact on existing forested areas.

There are no wetlands, streams or forest buffers existing on the property, so this project will result in no loss of such natural resources.

B. Site Drainage & Runoff

This site drains into the Gunpowder Falls water shed. During the construction of the new tower all county sediment control measures will be adhered to.

C. Wildlife Habitat

The site development will not impact any known rare threatened or endangered plant or animal habitats.

D. Noise

There will be no known impact on the surrounding areas from the proposed new radio tower.

E. Air

There will be no known impact to the air quality of the surrounding area.

F. Vehicular Traffic

This is a private site with a 10' driveway access. No new or existing traffic patterns will be impacted.

G. Visual Impact

The existing visual character of the surrounding area will not change. The old 460' Radio Tower will be replaced with a New _____ ' Tower. A New 8' chain-link fence will be installed after construction and a vegetative screen will also be installed.

III. DISCUSSION OF UNAVOIDABLE ADVERSE ENVIRONMENTAL EFFECTS

We do not foresee any unavoidable environmental impacts arising from this project. Existing vegetation will not be impacted. All sediment control measures will be observed. This project should have little impact on surrounding areas.

IV. ALTERNATIVES TO THE PROPOSED PROJECT

The only alternative to this project site would be a new site in or near this area. To find a site and develop a new tower would create a greater impact on a community where there is no existing tower.

This site would be best suited for a new tower given the existing visual impact on the area.

**V. ASSESSMENT OF LONG-TERM CUMULATIVE EFFECTS
& COMMITMENT OF RESOURCES**

Since there are no significant natural resources on the subject property, there are no known impacts on the environment.



TO: PUTUXENT PUBLISHING COMPANY
May 1, 1997 Issue - Jeffersonian

Please forward billing to:

Deborah C. Dopkins, Esq.
502 Washington Avenue
Towson, Maryland 21204
410-339-7100

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

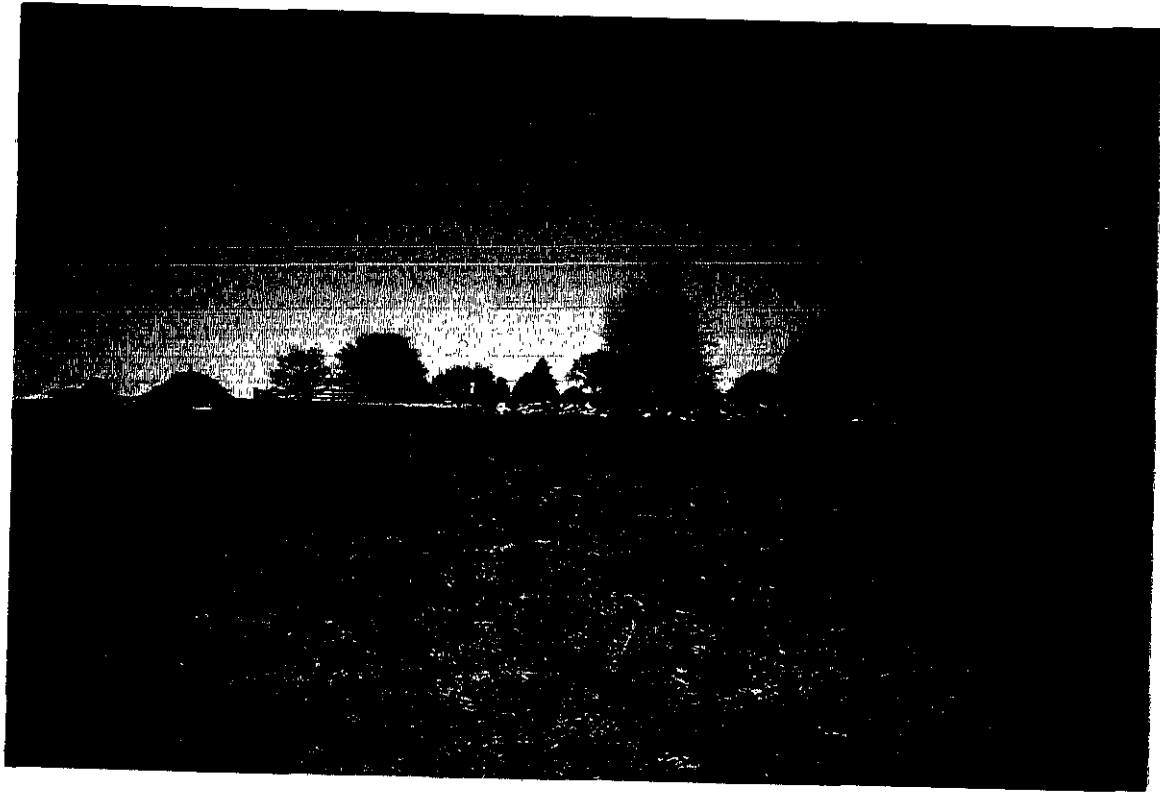
CASE NUMBER: 97-449-SPH
4011 Miller Road
SW/S Miller Road, 1900' +/- NW of c/l Belair Road
11th Election District - 5th Councilmanic
Legal Owner(s): American Radio Systems, Successor to Capitol Broadcasting Company

Special Hearing to approve an amendment to case no. 76-35-X to approve the replacement of a wireless transmitting tower of 460 feet with a wireless transmitting tower of 500 feet, together with accessory facilities.

HEARING: FRIDAY, MAY 23, 1997 at 2:00 p.m. in Room 106, County Office Bldg., 111 W. Chesapeake Avenue.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



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D.R. 2

GUNPOW

MILLER

ROAD

MILLER

ROAD

E 46.500

SITE

10.5 ACRES

E 956.000

CIRCLE

GUNRIDGE

BELAIR ROAD

D.R.2

705-644-26



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS
110 West Road, Suite 105
Towson, Maryland 21204
(410) 821-1690
Fax (410) 821-1748

SCALE

1" = 200' ±

LOCATION

MAP N.E. 12-H

GERMANTOWN

DATE

OF

PHOTOGRAPHY

ZONING

BALTIMORE COUNTY
OFFICIAL ZONING MAP

Baltimore County
Department of Permits and
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
permdm@baltimorecountymd.gov

August 30, 2002

Mr. Richard Block
Voice Stream
12000 Shady Lane
Baltimore, MD 21202

Dear Mr. Block:

RE: 4011 Miller Road, Telecommunications Facility

Split and Meet Cases No. 97-449-SPH and 97-449-SPH, 11th Election District
Your letter addressed to Mr. Jason Johnson dated August 29, 2002, has been received. The information provided in your letter regarding the proposed tower and antenna is being reviewed. The information provided in your letter regarding the proposed tower and antenna is being reviewed.

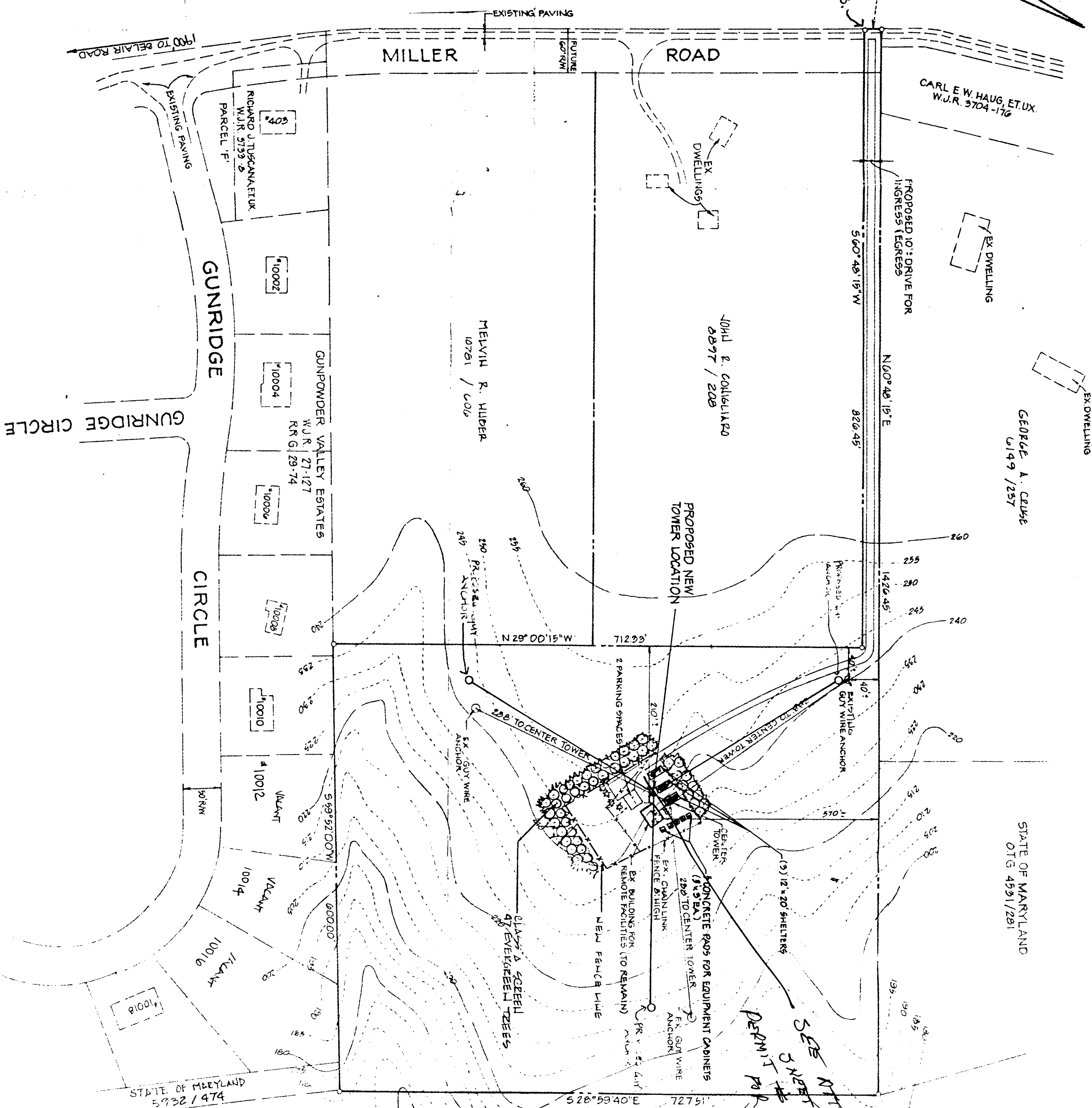
Provided that the height of the existing tower is not increased and no lighting of any kind is placed on the tower, and further, all ground based equipment is located within the tower, the proposed tower is considered to be within the "split and meet" of the existing tower. The proposed tower is considered to be within the "split and meet" of the existing tower. The proposed tower is considered to be within the "split and meet" of the existing tower.

Three copies of the site plan submitted as an exhibit to the letter are being reviewed. The information provided in your letter regarding the proposed tower and antenna is being reviewed. The information provided in your letter regarding the proposed tower and antenna is being reviewed.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-667-3391.

S/02031
Primer II, Zoning Review

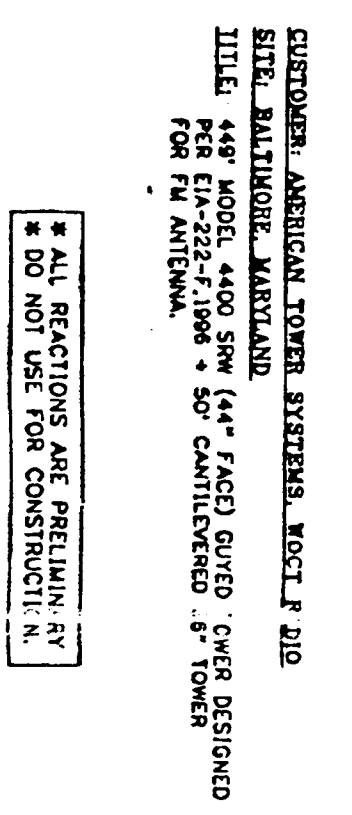
Come visit the County's Website at www.baltimorecountymd.gov



SEE ATTACHED
SHEET B-173568
PERMIT FOR CONSTRUCTION

SITE DATA

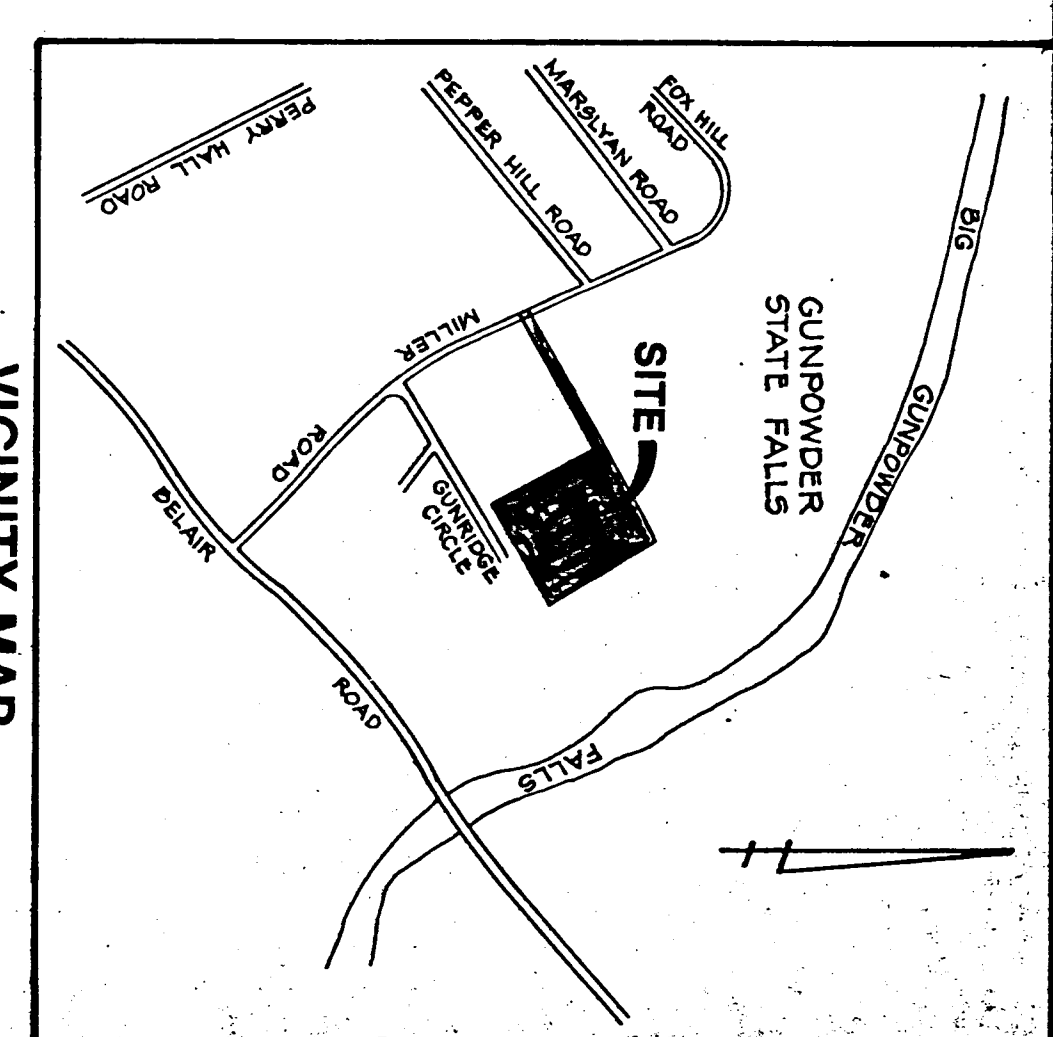
1. PETITIONER: American Tower Service, Inc., 6400 N. Congress Avenue, Suite 1750, Boca Raton, FL 33487
2. OWNER: American Tower Service, Inc., 6400 N. Congress Avenue, Suite 1750, Boca Raton, FL 33487
3. PROPERTY ADDRESS: 4011 Miller Road, P.O. Box 110, Baltimore, MD 21202
4. GENERAL PROPERTY INFO: 11th Election District, 11th Ward, Baltimore, MD 21202
5. PLAN REPAIRED BY: Morris & Ritchie Associates, Inc., 111 West Road, Suite 105, Towson, MD 21204
6. EXISTING NET ACRES: 10.2 AC
7. EXISTING ZONING: R-2
8. EXISTING USE: Single-Family Residential
9. PROPOSED USE: Telecommunications Facility
10. EXISTING TOWER: 19'460' TALL



TOUR	DATE	TIME	LOCATION	REMARKS
1	08-29-02	10:00 AM	4011 MILLER ROAD	Site Visit
2	08-29-02	10:00 AM	4011 MILLER ROAD	Site Visit
3	08-29-02	10:00 AM	4011 MILLER ROAD	Site Visit
4	08-29-02	10:00 AM	4011 MILLER ROAD	Site Visit
5	08-29-02	10:00 AM	4011 MILLER ROAD	Site Visit
6	08-29-02	10:00 AM	4011 MILLER ROAD	Site Visit
7	08-29-02	10:00 AM	4011 MILLER ROAD	Site Visit
8	08-29-02	10:00 AM	4011 MILLER ROAD	Site Visit
9	08-29-02	10:00 AM	4011 MILLER ROAD	Site Visit
10	08-29-02	10:00 AM	4011 MILLER ROAD	Site Visit

VICINITY MAP

SCALE: 1"=1000'



Purpose of this Special Hearing:
The petition which is accompanied by this bill requests the amendment of an existing Special Exception granted by the Board of Appeals in Case # 97-449-SPH. The Board of Appeals granted the Special Exception in accordance with section 502.7 and section 1001.10(20) of the BCCR. Specifically, the petition requests permission to replace the antenna tower.

97-449-SPH

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS, AND LANDSCAPE ARCHITECTS
111 WEST ROAD, SUITE 105, TOWSON, MARYLAND 21204
(410) 879-1800 FAX (410) 879-1820
(410) 821-1800 FAX (410) 821-1748

PLAT TO ACCOMPANY
A PETITION FOR A
SPECIAL HEARING TO AMEND
A SPECIAL EXCEPTION

DATE	REV.	REVISIONS	SCALE	DATE	REVISIONS
4-15-97	Rev. 1	Scale up	1"=100'	DATE	REVISIONS
				DATE	REVISIONS
				DATE	REVISIONS
				DATE	REVISIONS
				DATE	REVISIONS

